

ay



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,305	06/26/2003	Rodney E. Massie	110275.129 US1	9738
24395	7590	07/14/2005	EXAMINER	
WILMER CUTLER PICKERING HALE AND DORR LLP THE WILLARD OFFICE BUILDING 1455 PENNSYLVANIA AVE, NW WASHINGTON, DC 20004			TRAN, CONGVAN	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/606,305	Applicant(s) MASSIE ET AL.	
	Examiner CongVan Tran	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-31 is/are allowed.
- 6) ☒ Claim(s) 32-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 32-34, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Kashitani et al. (6,266,537).

Regarding claims 32, 37, Kashitani discloses a radio communication, comprising: the steps of: associating a wireless device with a base transceiver station (see figs.3-5, element Bi, Tj, col.4, and its description); setting a time at which to poll the wireless device (see fig.4, element 17Bi and its description); setting a time period subsequent to a poll for which a response from the wireless device is considered a response to the poll (see fig.4, element 17Bi, col.5-6, and its description); and receiving an indication from the wireless device whether a data message is to be transmitted (see fig.4-5, col.5-6 and its description).

Regarding claims 33-34, Kashitani further discloses the wireless device transmitting a data message in response to the poll (see fig.5, 10 (Tj), 13 (Tj) and its description).

3. Claims 35-36, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Mahany (6,697,415).

Regarding claims 35-36, and 38, Mahany discloses a spread spectrum transceiver module utilizing multiple node transmission, comprising: establishing a substantially fixed location of a wireless device with respect to the communication system (see fig.25b elements 1761, 1755, 1751, and its description); polling the wireless device to determine if the wireless device has data to transmit (see fig. 25b, elements 1761, 1755, 1751, col.34, line 49-col.36, line 10 and its description); and determining whether a transmission from the wireless device subsequent to said polling step is responsive (see fig. 25b, elements 1761, 1755, 1751, col.34, line 49-col.36, line 51 and its description).

Regarding claim 38, Mahany discloses a spread spectrum transceiver module utilizing multiple node transmission, comprising: means for polling the wireless device to determine if the wireless device has data to transmit (see fig. 25b, elements 1761, 1755, 1751, col.34, line 49-col.36, line 10 and its description); and means for determining whether a transmission from the wireless device subsequence to polling is responsive to said polling (see fig. 25b, elements 1761, 1755, 1751, col.34, line 49-col.36, line 51 and its description).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mahany (6,697,415) in view of Skladman (6,438,215).

Regarding claim 39, Mahany discloses a spread spectrum transceiver module utilizing multiple node transmission, comprising: at least one originating computer originating a poll request via a base transceiver station of the wireless communication system (see fig.21, and its description); at least one wireless device capable of receiving the poll request originating from the computer, each wireless device communicating with the originating computer via the base transceiver station of the wireless communication system (see fig.21, element 1451, 1452, 1454 and its description); a poll server communicable with the originating computer and the base transceiver, and receiving the poll request from the originating computer pertaining to which the at least one wireless device is to be polled, said poll server communicable with at least one data repository storing the poll request data, queuing the poll request data, said poll server maintaining outstanding poll request, receiving a poll request from said RF capacity server, including radio frequency information (see figs.23-24 and its description), except for protocol header to the poll request compatible with the wireless device to which the poll request is transmitted. However, Skladman discloses a method and system for filter based message processing in a unified message system comprising protocol header to the poll request compatible with the wireless device to which the poll request is transmitted.(see fig.1, elements 56, 26 and its description).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Skladman's protocol header to the poll request compatible in Mahany's system in order to improve the use of multiple communication systems.

***Allowable Subject Matter***

6. Claims 1-31 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1, 19, 27, although, the prior arts disclose a system and method of transmitting data messages. However, none of them teach as specifically describes in claimed.

Claims 2-18, 20-26, and 28-31 are allowed as being dependent on independent claims 1, 19, and 27.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CONGVAN TRAN  
PRIMARY EXAMINER

CongVan Tran  
Primary Examiner  
Art Unit 2683

Jul. 11, 2005.